

Truro Board of Selectmen
Meeting Minutes – May 20th, 2014
Truro Town Hall, 5:00pm

Members Present: Jay Coburn-Chair, Paul Wisotzky-Vice Chair, Jan Worthington-Clerk, Robert Weinstein, and Maureen Burgess

Others Present: Acting Town Administrator, Charleen Greenhalgh

Chair Jay Coburn called the meeting to order at 5:00 p.m.

Review and approval of Minutes- April 29th, 2014¹ Annual Town Meeting Minutes
Wisotzky moved to approve the April 29th, 2014 Meeting Minutes as printed. Weinstein seconded the motion. So voted 4-0-1. Burgess abstained.

Review and approval of Minutes- May 7th 2014²
Weinstein moved to accept the May 7th , 2014 Minutes as printed. Wisotzky seconded the motion. So voted 4-0-1. Burgess abstained.

Review and approval of Minutes- May 7th 2014³-Executive Session
Wisotzky moved to approve the May 7th, 2014 Executive Session Minutes and to hold them. Weinstein seconded the motion. So voted 4-0-1. Burgess abstained. Worthington abstained from the section of minutes when she was not in attendance during the meeting.

Public Comment Period

Ms. Greenhalgh reminded the public that the Memorial Service for Rex Peterson is June 7th at the Preservation Hall in Wellfleet. Wisotzky stated that there is a survey being conducted for the revised Open Space and Recreation Plan. Future Open Space Meetings were listed: May 23rd at 3pm, May 27th at 5pm, May 30th at 3pm, June 2nd and 3rd at 3pm.

Board Reorganization and Election of Officers

Weinstein nominated Jay Coburn as Chair of the Board of Selectmen. Wisotzky seconded the motion. So voted 4-0-1. Coburn abstained.

Worthington nominated Wisotzky as Vice-Chair of Board of Selectmen. Burgess seconded the motion. So voted 4-0-1. Wisotzky abstained.

Wisotzky nominated Jan Worthington to serve as Clerk of the Board of Selectmen. Burgess seconded the motion. So voted unanimously 5-0.

Declaration of Surplus Property: Golf Course and Police Department

Paul Morris, DPW Director and Trudi Brazil, Town Accountant spoke of the list of chemicals⁴ used to maintain the golf course greens that the Town had purchased and would be better served at this time to sell to another municipal golf course. Weinstein received confirmation that the Cape Cod National Seashore was aware of the fungicides being used.

Wisotzky moved to declare the Golf Course supplies as surplus property. Burgess seconded the motion. So voted unanimously 5-0.

Coburn spoke of the two police vehicles⁵ asked by Chief Takakjian to be declared as surplus property. Ms. Brazil spoke of the condition of both vehicles from high mileage usage and the need to deem the vehicles as surplus property. **Wisotzky moved to declare the two Police Vehicles as surplus property. Weinstein seconded the motion. So voted unanimously 5-0.**

Joint Meeting with BWWC – Update and Recommendations for Eagle Neck Creek Culvert Replacement⁶

Catherine Haynes, member of the Bike and Walkways Committee attended on behalf of the BWWC Chair Susan Roderick for the continued discussion on the recommendations for the Eagle Neck Creek Culvert. She spoke of the possibility of the culvert being widened to accommodate bikers and walkers. Ms. Greenhalgh commented that the issue was that this request was not a part of the request to the NFWF Grant. She added that the Town should be hearing if they received the grant in June but cautioned that the plan is 75% complete and adding this request would cost the Town. If the Town received the grant the monies will need to be expended between 18 months and 2 years. She added that there is going to be more modeling done based on the size of the culvert for ecological restoration. Ms. Greenhalgh had explained to the engineer that there this request from the Bike and Walkways Committee. He will be providing the cost and impact on the project. Ms. Greenhalgh mentioned the potential impact that this additional request could have on the resource as the extension could potentially be five feet on either side. Ms. Haynes suggested that both sides be increased by 6 feet using sheet piling to minimize the impact. There was a discussion that the State is going to be revisiting the old bike routes that were created in the 1970's. Coburn added that this project would increase the overall project by 20% with no extensions allowed.

Wisotzky felt that the preliminary design plans could be revisited. It was revealed that the addition of the pedestrian bike lane being left out of the plan was an oversight. Wisotzky stated without knowing the cost implications he was reluctant at this time to support the proposal. Ms. Haynes urged that this opportunity should not pass them by. It was agreed if this request were to be revisited later it would cost more money than visiting the proposal now. Worthington added that she was concerned that the project would have an adverse impact on Mill Pond adding that she would like to know more about the ecological impact. Ms. Haynes suggested that there could be ways to engineer the pathway so that it has less of an impact on the wetlands. It was clarified to Weinstein that the Town approved \$125K several years ago for the engineering plans.

Burgess thanked the Bike and Walkways Committee for being proactive. She explained as the Town's Representative to the Cape Cod National Seashore that they are doing a major study of the master Bike Ways and the Bike plan might be revisited (runs along Old County Road from Wellfleet) and changed someday. Coburn added that more width to the road would be better, but it depends on the NFWF Grant. The Town will have to figure out a way to be creative with regards to fundraising. Ms. Greenhalgh suggested a base structure such as a cantilever could be designed with minimum impact on the environment.

Coburn suggested that extending the length could have an extensive environmental impact. Ms. Greenhalgh commented that the bike and walkways path was worth exploring further. Worthington felt that this should go to the voters. Coburn agreed that this should go to Town Meeting. Mr. Roda thanked the Board for their consideration of the project and asked if other options could be looked into. Wisotzky agreed that this was the consensus of the Board. Ms. Haynes agreed that all options should be explored.

Application to Serve – Multi-Member Board: Pamet Harbor Commission: Chris Lucy

The Agenda item was continued until the applicant arrived.

Re-Appointments of Committee/Board Members Policy Discussion

Coburn spoke of the importance of Board and Committee members to be familiar with Open Meeting Law and Public Records Law. He added that he would like all Board and Committee members to complete the required State Ethics Online training as a part of their reappointment. Worthington stated that she understood fully the reasoning behind getting people to take the online ethics training with the State but she cautioned that it might deter people since some don't have access to computers. Coburn explained to Burgess that the requirement would be for reappointments and new appointments. He added that a Memo would go along with an *Application to Serve* instructing people on how to take the online ethics test. He added that there would be computers for people to access at Town Hall. Weinstein explained he was able to take the test by using a Town Hall computer. He added that he felt that it was encumbant upon people to familiarize themselves with the State Ethics Commission so that they do not run into an issue which can jeopardize their vote as a Committee or Board member. Wisotzky commented that he felt that this was a good idea that will help develop public trust. Worthington asked if this was for all members. Coburn responded that it would be a requirement for everyone. Ms. Greenhlagh suggested that the *Application to Serve* could be revised to include a box for people to check if they would be willing to take the test but it would need to be a policy of the Board of Selectmen to require it for new appointments. Coburn suggested that for reappointments it would be explained that it is a requirement and the certificate of taking the test is valid for two years. There was a brief discussion as to how it would be managed. Burgess suggested that the Chairs could assist with managing this requirement with their Committee/Board members. Worthington felt that it was something that the Chairs could take on but cautioned that they need to encourage people to be reappointed. Coburn asked that a Memo be prepared about the State Ethics Commission exam for reappointments, listing the web address to the test including that the Board of Selectmen are trying to support better compliance going forward and then draft a Board of Selectmen policy for new appointments. Weinstein added that he felt that people should be required to take the test within two months of being appointed and being reappointed. It was determined to work on a policy for a future meeting discussion and draft a memo for Committee, Commission and Board members.

Application to Serve – Multi-Member Board: Pamet Harbor Commission: Chris Lucy

Chris Lucy explained why he wished to be a member on the Pamet Harbor Commission⁷. Weinstein acknowledged his long history serving the Town but mentioned an ethical issue with his recent contribution at a Zoning Board of Appeals meeting when he spoke on behalf of an applicant then later as a Planning Board member at a Planning Board meeting he didn't recuse himself from the same discussion item. Mr. Lucy responded that he had contacted the Ethics Commission if he could speak at the ZBA meeting and he was told that he could, in a recorded conversation (11/7/2013) with the Ethics Commission. Mr. Lucy explained that he has no conflict with being on the Pamet Harbor Commission. Wisotzky thanked Mr. Lucy for applying to be a member of the Pamet Harbor Commission. He added that he was conflicted though due to Mr. Lucy's handling of a proposed Planning Board Warrant Article that undermined the Board. He added that he understood that Tim Silva, Chair, of the Pamet Harbor Commission, was 100% supportive of Mr. Lucy's appointment to the Pamet Harbor Commission. Mr. Lucy stated that there is a lack of communication between the Town and the town's people. He was only trying to make people aware of the proposed Warrant Article and how it might impact certain people. Coburn stated that he knew that Mr. Lucy cared deeply about Truro but he added that he was concerned about the Mr. Lucy's tone and manner as to how he articulates his ideas. He added that he has great reservation to appoint him to a third Committee. Weinstein commented that he

was not challenging that Mr. Lucy had called the State Ethics Commission and added that he had voted on something without hearing the evidence. Worthington agreed with the comments of Coburn. Mr. Lucy felt that the issue was over since that Chair of the Planning Board was gone. Wisotzky asked if he had any regrets from that meeting. Mr. Lucy responded in a way he did but it was the past. Worthington added that she understood that the Pamet Harbor Commission was short on members. Bill Worthington of the Planning Board stated that Mr. Lucy was an easy going guy and makes good contributions at Planning Board Meetings.

Wisotzky moved to approve appointing Chris Lucy to the Pamet Harbor Commission.

Worthington seconded the motion. So voted 2-2-1. Burgess abstained. Motion doesn't carry.

Request to Use Town Property/Road Ways:

Corn Hill Beach for an August 9, 2014 Wedding⁸

This request was pulled from the Agenda.

Harbor to the Bay – Annual request for Bike Ride on 9/20/2014

Coburn explained that the Harbor to the Bay was an Annual Bike Ride Request.⁹ It is held during a weekend with heavy traffic but any issues have been attended to and the Chief of Police has signed off.

Wisotzky moved to approve the annual request for the Harbor to Bay Bike Ride (9/20/2014) and use of Town property. Burgess seconded the motion. So voted unanimously 5-0.

Discussion, Review and Approve the Barnstable County Home Consortium-Automatic Renewal of Mutual Cooperation Agreement¹⁰

Ms. Greenhalgh explained that the Board of Selectmen only need to vote on the Barnstable County Home Consortium if they donot wish to approve it again. It will automatically renew without action from the Board of Selectmen. Weinstein added that he felt that it was important to be supportive of the Mutual Cooperation Agreement. **Weinstein moved to approve the Barnstable County Home Consortium. Burgess seconded the motion. So voted unanimously 5-0.**

Discussion, Review and Authorize the Chair to sign Agreement by & between the Town of Truro and Truro Recreation for the FY13 CDBG program-Childcare Provider

Ms. Greenhalgh explained that before the Board of Selectmen was an annual agreement¹¹ that the Recreation Department applies for to assist with the after school program. Coburn stated that he could vote on this item since he had no conflict of interest. **Worthington moved to approve the agreement between the Town of Truro and the Truro Recreation for the FY13 CDBG program. Burgess seconded the motion. So voted unanimously 5-0.**

Update on Harbormaster/Shellfish Warden combined positions

Ms. Greenhalgh explained that Town Meeting approved adding the position of Harbor Master/Shellfish Warden¹² to the Personell Bylaw and before the Board of Selectmen was a draft Harbor Master/Shellfish Warden job description. She stated that she is ready to post the position at the end of the week, but the position will not take affect until July 1st. Worthington spoke of the Harbor Master needing minimum qualifications for the position. Weinstein stated that he has some language issues with the draft job description. He spoke of the Pamet Harbor Rules and Regulations as needing to be listed in the job description. He spoke of error in judgement as being an essential function of the job in lieu as to what happened with a behavioral issue with the former Harbor Master. He mentioned the minimum qualifications as cited in MGL Chpt. 102 §19 *Harbor Masters; Assistant Harbor Masters; appointment* which would allow the Harbor Master to be exempt from the provision while they complete the training. He spoke of the parking issues and the importance of certain matters being designated in the job description for protection of the employee. Ms. Greenhalgh stated that the Town

Administrator has jurisdiction with the Board of Selectmen to review and approve job descriptions. Weinstein was asked to communicate with Attorney Jack Dolan to make any changes he deems necessary so that the revised job description can be brought back to the Board of Selectmen for approval.

Discussion, Review & Approval of Entertainment License and One Day Licenses for 2014 Season- Payomet Performing Arts Center

Kevin Rice, Creative Director, of Payomet Performing Arts Center spoke of his annual request¹³ before the Board of Selectmen. It was stated that there is weekday entertainment for Monday through Saturday and Sunday Entertainment that additionally needs the approval of the Department of Public Safety. The One Day licenses are for 30 dates only per MGL Chpt. 138 §14 and the server has the required TIPS training. **Wisotzky moved to approve the Entertainment Licenses (Weekday and Sundays) and One Day Licenses for the 2014 season. Worthington seconded the motion. So voted unanimously 5-0.**

Pamet Harbor Yacht Club-One Day Liquor License for a June 7, 2014 event

Coburn spoke of the request for a One Day Pouring License for Pamet Harbor Yacht on June 7th¹⁴. **Worthington moved to approve the One Day Pouring License for the Pamet Harbor Yacht Club on June 7th, 2014. Weinstein seconded the motion. So voted 4-0-1. Wisotzky abstained.**

Truro Vineyards of Cape Cod for 3 Entertainment Applications: 5/22, 6/7, 6/25-8/27 (Weds)

Coburn listed the dates requested for entertainment licenses from Truro Vineyards of Cape Cod¹⁵. **Weinstein moved to approve the Entertainment licenses for May 22nd, June 7th, and Wednesdays from June 25th-August 27th. Burgess seconded the motion. So voted unanimously 5-0.**

Discussion, Review and Authorize the Chair to sign Lease/Rental Agreement (s) with Johnson Golf Management for various Golf Related Equipment

Ms. Greenhalgh stated that the Town of Truro is currently going to rent to Johnson Golf Management Tee Markers, signs, ball washers, trashcans, and hand carts and the gas tank is being removed. Town Counsel is drawing up the contract. Johnson Golf Management will be in charge of the diesel and propane tank and will own it for the remainder of the year. The contract will be presented by the end of the week. **Wisotzky moved to authorize the Chair to sign a Lease agreement with Johnson Golf Management which includes a provision for pollution control liability. Burgess seconded the motion. So voted unanimously 5-0.**

Discussion, Review & Authorize the Chair to sign a Limited Discretionary Referral to the Cape Cod Commission for the Winkler Route Six Trust, Michael F. Winkler, Trustee Special Permit currently before the Zoning Board of Appeals¹⁶

Coburn explained that the special permit before the Zoning Board of Appeals was withdrawn so there is nothing to refer to the Cape Cod Commission.

Approval to enter into negotiations with Robert Lawton to serve as Acting Town Administrator

Coburn spoke of Robert Lawton working with Ms. Greenhalgh as the Co-Acting Town Administrator. He commented on Mr. Lawton's long 30 year career as Yarmouth's Town Administrator. Mr. Lawton served on the Town Administrator Search Committee when Mr. Peterson was hired.

Coburn explained that Mr. Lawton will assist in a limited capacity two days a week assisting both Ms. Greenhalgh and the Board of Selectmen. Worthington asked if this position needed to be advertised first. It was noted that under the Town Charter the Board of Selectmen have the power to appoint

anyone that they choose. Coburn spoke to Ms. Greenhalgh needing assistance. Coburn stated that Mr. Lawton is willing to be compensated for \$500.00 a day as a part-time employee. Wisotzky discussed with Coburn that Mr. Lawton will assist until the new Town Administrator is appointed. It was explained to the Board that there are funds available to cover Mr. Lawton's compensation. **Weinstein moved to approve entering into negotiations with Robert Lawton as Co-Acting Town Administrator and authorize the Chair to sign the agreement for not more than \$500.00 a day. Wisotzky seconded the motion. So voted unanimously 5-0.**

Review and Approve renewal of Acting Town Administrator's Contract

Coburn explained that Ms. Greenhalgh has agreed to be the Co-Acting Town Administrator for 90 more days and she is requesting to take the month of June 2015 off¹⁷.

Wisotzky moved to approved the MOA renewal for the Acting Town Administrator (Charleen Greenhalgh) Contract and authorize the Chair to sign. Wisotzky seconded the motion. So voted unanimously 5-0. The agreement ends on Friday, August 15th.

Discussion of a process for establishing Selectmen Goals and Objectives for FY15

Coburn stated that the FY14 Board of Selectmen Goals and Objectives¹⁸ has edits added for the continuation of these goals into the Fiscal 2015 year. He wished to bring Department heads into the conversation before the Public Hearing on the FY15 Goals and Objectives. He suggested that there be a meeting held exclusively on this topic. Worthington spoke of the business changes in North Truro and suggested that they reach out to the business owners there. She also added that there will be future issues with parking at Ballston beach and perhaps the Cape Cod National Seashore could assist with parking options. She added that she would like a discussion added under the water agreement regarding Provincetown and their expansion of growth. She stated that the Truro Conservation Trust has many walking trails that people are unaware of and she would like the Trust to come speak to the Board of Selectmen about their trails. Weinstein asked that the objectives from the Accounting Firm Annual Audit be addressed. Weinstein also discussed having a Town Forum quarterly to discuss things like the Open Meeting Law.

Review, Approve and Authorize the Chair to sign FD Administration contract with Municipal Resources

Wisotzky spoke of the agreement between the Town of Truro and Municipal Resources Inc.¹⁹ He explained that Bob Loomer will be assisting 16 hours a week; back to back days. Mr. Loomer was a part of the original study group for the Truro Fire and Rescue Department. Mr. Loomer and Chief Davis will be working together and Mr. Loomer will report to the Board of Selectmen monthly.

Wisotzky moved to approve the contract with Municipal Resources Inc. and authorize the Chair to sign. Burgess seconded the motion. So voted unanimously 5-0.

Selectmen Liaison Appointments to Boards/Committees/Commission

Coburn stated that all Board of Selectmen members were in receipt of the updated Liaison list to Boards and Committees²⁰. Burgess asked to remain as the Liaison to the Commission on Disabilities. Burgess was made the representative to the Herring River MOU. Weinstein will continue as the Liaison to the Charter Review Committee. Wisotzky spoke of Board of Selectmen Policy #34. He discussed changes that he would like to make including: State that Selectmen Liaison have no voting privileges; address the topic that Selectmen Liaison's should attend at least two Board/Committee meetings; make a clear understanding as to what Liaison's responsibilities are; and Board/Committee Chairs should be required to reach out more to Liaisons. Burgess agreed and stated that each Board of Selectmen member should get in contact with each Chair of the Committee they were assigned.

Selectmen Reports and Liaison Reports

Worthington- She explained that the schedule for the Town Administrator Search Committee, with the assistance of Mark Morse is going as planned.

Wisotzky- He stated that the Open Space Committee is busy with their survey; there are three projects that the Housing Authority is working on including looking into #2 Union Field Road to explore that property for Affordable Housing; He added that the Housing Summit may have to be continued due to the work load of the Housing Authority.

Burgess-No report was given.

Weinstein-He spoke of an individual who had questions regarding LCCAT. He has forwarded the questions to the Chair of the Cable and Internet Advisory Committee. The recent CIAC meeting was rescheduled but they are moving forward with the contract and will be bringing it back to the Board of Selectmen.

Coburn- The annual Chamber of Commerce meeting was held and Kristen Roberts and Rebecca Townsend were nominated to the Board of Directors. There was a brief discussion about holding Board of Selectmen office hours. Worthington suggested that they would get a better response from the public by visiting with people at places like the Transfer Station; possibly on the 4th Saturday of each month.

Next Meeting Agenda: June 3rd, 2014

Report and Presentation of East Harbor by the Woodshole Project; Public Hearing for Transfer of License from Central Liquors Inc., to Fuller's Package Store; Request for placement of Plaque on Snows Park Bench and Proclamation; Resignation of Maureen Burgess from the Commission on Disabilities; Renewal of appointments; Executive Session discussion on the Solid Waste contract; review of Harbor Master Shellfish Warden job description; Discussion on Board of Selectmen Policy #34; Close of Staging Permits –Greg Morris; Proposal of Book Boxes by Bob Daglio; Support Letter for Open Space Committee with Chair, Nick Norman; Update on the acquisition of new police vehicles from Chief Takakjian; Update on Lieutenant Contract.

Acting Town Administrator's Report²¹

Ms. Greenhalgh referred to her report. She reminded the Board of Selectmen members that they must go through her prior to speaking to Town staff per the Town Charter. Worthington asked about funding for the Recreation Department. Ms. Greenhalgh explained that there were unpaid balances due that have been paid. She noted that the Recreation department staff is always seeking other resources to assist parents with paying for the cost to send their children to the program. Burgess spoke to the Alternate Representative vacancy position on the Cape Cod National Seashore Advisory Committee.

Coburn asked for a motion to adjourn. Wisotzky so moved. Worthington seconded the motion. So voted unanimously 5-0. The meeting was adjourned at 7:38PM.

Respectfully submitted,
Nicole Tudor, Board of Selectmen Secretary

Jay Coburn, Chairman

Paul Wisotzky, Vice-Chairman

Janet W. Worthington, Clerk

Robert Weinstein

Maureen Burgess
Board of Selectmen
Town of Truro

¹ Board of Selectmen meeting April 29th, 2014 Meeting Minutes

² Board of Selectmen meeting May 7th, 2014 Meeting Minutes

³ Board of Selectmen meeting May 7th, 2014 Executive Session Meeting Minutes

⁴ Town of Truro Highalands Links Golf course list of surplus property

⁵ Chief Takakjian email (5/20/2014) listing two police vehicles requested as Surplus Property

⁶ Letter from Susan Roderick, Chair of the Bike and Walkways Committee regarding the Culvter at Eagle Neck Creek

⁷ Application to Serve-Pamet Harbor Commission-Chris Lucy

⁸ Use of Town Property; Memo from the Beach Department/Beach Commission; Site plan showing location of wedding

⁹ Bike and Road Race Application; Harbor to the Bay Letter to the Chair, 2014 Route and State Highway Form

¹⁰ Barnstable County Home Consortium –Automatic Renewal of Mutual Cooperation Agreement

¹¹ CDBG FY13 Town of Truro and Truro Recreation department Agreement for Childcare funds

¹² Updated Harbor Master Shellfish Warden Job Description

¹³ Payomet Performing Arts Business Application, Entertainment Application; One Day liquor License Application packet

¹⁴ Pamet Harbor Yacht Club-One Day Liquor License packet -request for June 7th

¹⁵ Truro Vineyards Entertainment License Applications for May 22, June 7, June 25-Aug 27th (Weds)

¹⁶ Typical Process for the Review of a development of Regional Impact, Cape Cod Commission

¹⁷ MOA with Charleen Greenhalgh as Acting Town Administrator

¹⁸ FY15 Draft Board of Selectmen Goals and Objectives

¹⁹ Agreement with Municipal Resources Inc. and the Town of Truro; Resume for Robert Loomer

²⁰ Updated FY2015 Board of Selectmen Liaison List

²¹ Acting Town Administrator's Report May 20, 2014